

Appl. No.: 10/565,317
Amdt. dated September 24, 2009
Reply to Office Action of July 28, 2009

REMARKS

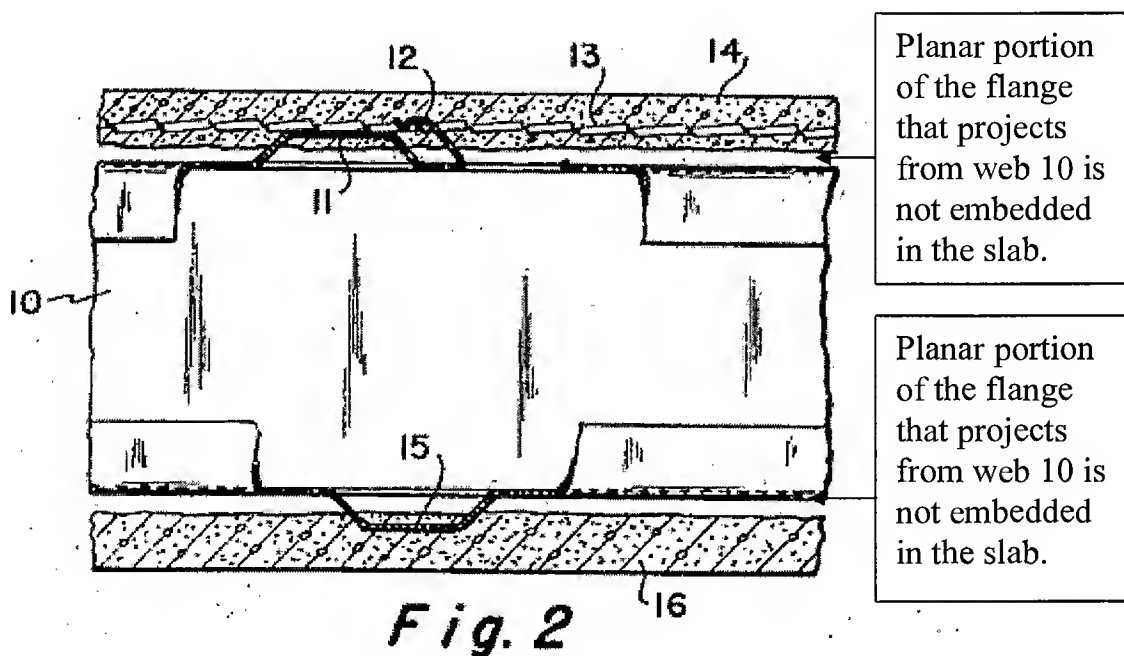
The undersigned acknowledges with appreciation the telephone interview between the undersigned and Examiner Basil Katcheves on September 23, 2009, wherein the primary reference US 3,802,147 to O'Konski was discussed.

Reconsideration of this application and the rejection of claims 1-8 and 29-30 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Final Office Action dated July 28, 2009 (Paper No. 20090727). Applicant requests entry of this Amendment after final in accordance with 37 CFR §116(2) and (3) because it places the application in condition for allowance or in better form for appeal. Further, it is submitted that the amendments presented do not require an additional search and that a Request Continued Prosecution should not be required.

Withdrawn claims 25-28 have been cancelled without prejudice. Applicant have added new claim 31 which, similar to claims 1-8, are also directed to a concrete panel having a specific density wherein the frame member flange is fully embedded in the concrete.

Claims 1-8 and 29-30 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 3,802,147 to O'Konski in view of U.S. Patent No. 5,494,513 to Fu et al. In accordance with the September 23, 2009 interview, independent claims 1 and 29 have been amended to more clearly define the flange as planar and entirely embedded in the concrete slab. Specifically, claim now recites a "first flange comprising a substantially planar portion projecting orthogonally from one end of said web ... wherein the

entire substantially planar first flange portion ... is embedded in said slab.” Similarly, claim 29 calls for a “first flange comprising a substantially planar flange portion that projects orthogonally from one end of said web ... the entire said first flange ... is fully embedded in said slab.” In O’Konski only strip 11 and prong 12 are embedded in the concrete. The planar flange portion that projects from the web is spaced apart from the concrete slab. Thus, the rejection has been traversed.



Applicant has considered the Examiner’s remarks regarding the asserted combination of the O’Konski and Fu et al. references, but respectfully disagrees in view of the evidence, legal authority and arguments provided in Amendment A. Regardless, the issue is now moot in view of the amendments discussed above.

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Several of the dependent claims have been amended to be consistent with the independent claims and to more clearly define the claimed structure.

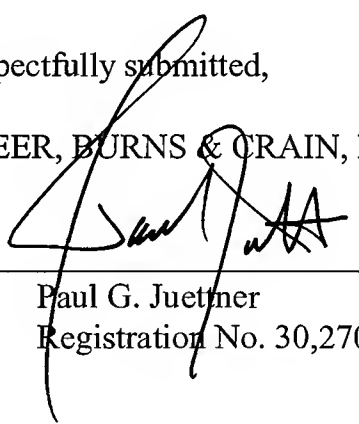
This Amendment is being submitted with two months of the final Office Action. Applicant respectfully requests entry before the end of the 3 month period of response.

If there are remaining issues which may be resolved by a telephone interview, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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